

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	CASE NO. 1:02CR-54
Plaintiff,	:	(Judge Bunning for Judge Dlott)
	:	
vs.	:	
	:	
WALTER PUGH,	:	<u>DEFENDANT WALTER PUGH'S</u>
Defendant.	:	<u>PRETRIAL MEMORANDUM</u>

Now Comes the Defendant, Walter Pugh by and through the undersigned and submits this Pretrial Memorandum.

I. Statute and elements of the offense

Mr. Pugh accepts the Governments recitation of the statutes and the elements of the offenses contained in the indictment.

II. Statement of the Case:

The Government's Statement is correct.

III. Statement of Facts:

Mr. Walter Pugh disputes all the facts alleged by the Government other than he was arrested.

IV. Substantive Issue of Law with Citation of Authorities:

Walter Pugh is unaware of any outstanding substantive issues of law.

V. Evidentiary Issues:

Consistent with his statements at the formal pretrial conference, Mr. Walter Pugh will not agree to stipulate to the admission of any evidence proffered by the Government.

Mr. Walter Pugh will object to the admission of any ammunition or firearms recovered at the time of the arrests or testimony about the same in this case. There is no witness who can identify or connect any ammunition or firearm recovered to the commission of the crimes alleged in the indictment. Such evidence is not relevant.

Mr. Walter Pugh also objects to characterizing or referring to any witness as a "confidential informant." The Hamilton Police Department does not list any witness in this case as such. To characterize any witness in this case as such is only an attempt to vouch for the credibility of that witness or give that witness greater status in this case than exists in fact.

VI. Other Trial Problems:

None anticipated.

VII. Proposed Voir Dire:

Mr. Walter Pugh has no additional questions to submit other than those submitted by Mr. Tyreese Pugh. However, Mr. Walter Pugh objects to any questions submitted by the Government referring to any confidential informant, as none exists in this case.

VIII. Jury Instructions

Mr. Walter Pugh understands that the proposed instructions in this case are the instructions as given by the Honorable Judge Dlott in the first trial in this case. Mr. Walter Pugh has no objection to the proposed instructions.

Respectfully submitted,
S/William R. Gallagher
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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2005 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Amul Thapar, Assistant U.S. Attorney.

S/William R. Gallagher
WILLIAM R. GALLAGHER